

MEMORANDUM ENDORSEMENT

United States v. Marin et al.,
18 CV 9307 (VB)

By letter dated September 24, 2020, Carla Marin and the Estate of Ana Beatriz Marin, with the consent of the United States and the New York State Department of Taxation and Finance (together with the estate defendants, the “settling parties”), request the Court continue the stay in this matter until September 28, 2020, at 5:00 p.m., and adjourn to October 1, 2020, the deadline for the settling parties to file a joint letter on the status of settlement. (Doc. #168).

The application is GRANTED. Accordingly, it is HEREBY ORDERED:

1. This matter is stayed until September 28, 2020, at 5:00 p.m.
2. By October 1, 2020, the settling parties shall file a joint letter notifying the Court whether settlement has been effectuated in accordance with the terms of the June 2, 2020, Stipulation and Order of Settlement. (See Doc. #163).
3. **The case management conference currently scheduled for October 2, 2020, at 11:00 a.m., is re-scheduled for October 14, 2020, at 11:00 a.m.** Because of the current public health emergency, the Court will conduct the conference by telephone. At the time of the scheduled conference, counsel and any unrepresented parties shall attend by calling the following number and entering the access code when requested:

Dial-In Number: (888) 363-4749 (toll free) or (215) 446-3662

Access Code: 1703567

The Clerk is instructed to terminate the letter-motion. (Doc. #168).

Chambers will mail a copy of this Order to defendant Carl F. Marin at his address on the docket.

Dated: September 24, 2020
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge

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September 24, 2020

Via ECF

Honorable Vincent L. Briccetti
United States District Judge
Southern District of New York
300 Quarropas Street, Room 630
White Plains, New York 10601

Re: United States of America v. Marin, et al. (SDNY 18-9307)

Dear Judge Briccetti:

We represent Carla Marin and the Estate of Ana Beatriz Marin (collectively the “Estate Defendants”) in the above-referenced action. We write to respectfully request that the Court continue the stay in this action through September 28, 2020, at 5:00 p.m. and that the Court also adjourn the deadline for the filing of a joint status report from the settling parties from September 25, 2020 to October 1, 2020. The United States and the New York State Department of Taxation and Finance have consented to this request.

In the joint letter motion submitted on September 10, 2020, the settling parties informed the Court that while the Estate had paid the Settlement Amounts identified in the settlement Stipulation and Order, the United States was not satisfied with the Estate’s federal income tax filings, and intended to issue a notice of default to the Estate Defendants pursuant to the default provisions in the settlement Stipulation and Order. The United States issued the notice of default to the Estate Defendants later that evening.

In the joint letter motion, the Estate represented that it intended to file revised income tax returns within the two-week default-cure period. The Estate is working diligently to complete the revised tax returns, however, accumulating and organizing the information to complete the revised returns has taken more time than originally anticipated. Accordingly, the United States has agreed to extend the period for curing the Estate’s alleged default to Monday September 28, 2020 at 5:00 p.m., and to consent to extending the stay until the same time. The State of New York has also consented to the Estate’s request to extend the deadline for filing revised New York income tax returns to October 1, 2020.


While agreeing to the Estate’s request, the United States has requested that we include the following information in this letter motion to extend the stay and adjourn the joint status report deadline:

The United States agrees to extend the cure period until 5:00 p.m. on Monday, September 28, 2020, subject to the Estate Defendants' agreement to become current with all federal income tax filing obligations for tax years 2010 through 2019, and to provide valid tax returns as required under paragraph 5 of the Stipulation and Order both via e-mail and by certified mail by 5:00 p.m. on Monday, September 28, 2020. See Stipulation and Order ¶¶ 9, 10, and 21.

As stated in the government's Notice of Default served on the Estate Defendants on September 10, 2020, after default by the Estate Defendants, and once the stay of the Federal Judgment (as defined in the Stipulation and Order) is no longer in effect, the United States may continue to litigate its claims in this action as set forth in the Stipulation; the full outstanding amount of the Federal Judgment shall be due and owing; and the United States may file the Federal Judgment in any location and seek to enforce the judgments. See Stipulation and Order ¶¶ 9-13. If the Estate Defendants do not cure the default in the time allowed, the United States intends to seek appropriate remedies pursuant to the Stipulation and Order, the judgment, and any other applicable law.

Accordingly, the Estate Defendants respectfully request that the Court adjourn the deadline for the joint status report to October 1, 2020 and extend the stay through September 28, 2020, at 5:00 p.m.

Respectfully,

A handwritten signature in black ink, appearing to read "Stephen A. Josey", with a stylized flourish at the end.

Stephen A. Josey
Megan L. Brackney
sjosey@kflaw.com

cc:
Counsel of Record (via ECF)
Carl Marin (via email)